

1 LAW OFFICES OF DALE K. GALIPO
Dale K. Galipo, Esq. (SBN 144074)
2 dalekgalipo@yahoo.com
Hang D. Le (SBN 293450)
3 hlee@galipolaw.com
21800 Burbank Boulevard, Suite 310
4 Woodland Hills, CA 91367
Telephone: (818) 347-3333
5 Facsimile: (818) 347-4118
6
7

8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10

11 DEJON HEMPHILL,

12 Plaintiff,

13 vs.

14 COUNTY OF SAN BERNARDINO;
15 CITY OF SAN BERNARDINO and
16 DOES 1-10, inclusive,

17 Defendants.
18
19
20
21
22
23
24
25
26
27
28

Case No. 5:24-cv-00825-KK-DTB

**PLAINTIFF'S RESPONSE TO THE
JUNE 21, 2024 ORDER TO SHOW
CAUSE**

**TO THE HONORABLE COURT, ALL PARTIES, AND THEIR
ATTORNEYS OF RECORD:**

Plaintiff Dejon Hemphill (“Plaintiff”) hereby submits this Response to the Court’s June 21, 2024 Order to Show Cause Why Action Should Not Be Dismissed for Failure to Prosecute as to Defendant County of San Bernardino (Dkt. No. 19).

1. Plaintiff filed the operative complaint in this action on April 18, 2024. (Dkt. No. 1), alleging the City of San Bernardino police officers and San Bernardino County Sheriff’s Deputies were involved in the detention, arrest, and use of excessive force against Plaintiff. At the time Plaintiff filed his Complaint, he did not know the identities of the involved officers.

2. After serving the operative complaint on representatives for the City of San Bernardino and San Bernardino County, Plaintiff’s counsel was contacted by a representative for the San Bernardino County and was informed that no deputies or employees from San Bernardino County were involved in the April 2, 2023 incident alleged in the operative Complaint. Plaintiff’s counsel requested proof and the parties discussed obtaining the police reports that were generated from the incident. The representative for San Bernardino County represented that he had been in contact with counsel for the City of San Bernardino, who had agreed to produce certain police reports and evidence that revealed the identities of the involved officers, subject to a protective order. Plaintiff’s counsel agreed that Plaintiff would be willing to dismiss San Bernardino County from this action if the documents showed that no deputies or employees from the County were involved in the incident.

3. On June 5, 2024, Defendant City of San Bernardino and Plaintiff entered into a Stipulated Protective Order regarding the exchange of documents and information in this action. (Dkt. No. 17).

4. On June 6, 2024, a Protective Order was issued. (Dkt. No. 18).

1 5. On June 7, 2024, Defendant City of San Bernardino served Defendant's
2 Initial Disclosures Pursuant along with certain documents.

3 6. After reviewing the documents produced in Defendant City's Initial
4 Disclosures, the parties met and conferred and agreed that there was good cause to
5 enter into a stipulation to dismiss the County of San Bernardino as a defendant and
6 request an order granting Plaintiff leave to file a First Amended Complaint.

7 7. The parties are working on finalizing the Stipulation to dismiss
8 Defendant County of San Bernardino, without prejudice, and to request leave for
9 Plaintiff to file a First Amended Complaint to name the involved City of San
10 Bernardino officers and to omit references to County of San Bernardino as a
11 defendant. Plaintiff expects that the Stipulation will be filed within the next few
12 days.

13
14 Respectfully submitted,

15 DATED: June 28, 2024

LAW OFFICES OF DALE K. GALIPO

16
17
18 By /s/ Hang D. Le
19 Dale K. Galipo
20 Hang D. Le
21 Attorneys for Plaintiff
22
23
24
25
26
27
28